United Nations S/2013/229

Security Council

Distr.: General
15 April 2013

Original: English

Letter dated 15 April 2013 from the Secretary-General to the President of the Security Council

In accordance with article 17 (3) of the Relationship Agreement between the United Nations and the International Criminal Court, I have the honour to convey the attached communication dated 27 March 2013 from the President of the Court (see annex). The President transmits the decision on the non-compliance of the Republic of Chad with the cooperation requests issued by the Court regarding the arrest and surrender of Omar Hassan Ahmad Al-Bashir, issued by Pre-Trial Chamber II of the Court on 26 March 2013 in the case of the *Prosecutor v. Omar Hassan Ahmad Al-Bashir* (see enclosure).

I should be most grateful if you would bring the present letter and its annex to the attention of the members of the Security Council.

(*Signed*) **BAN** Ki-moon

13-29546 (E) 230413

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Annex

Letter dated 27 March 2013 from the President of the International Criminal Court to the Secretary-General

Pursuant to article 17 (3) of the Relationship Agreement between the United Nations and the International Criminal Court, as well as in accordance with article 87 (7) of the Rome Statute and regulation 109 (4) of the Regulations of the Court, and as requested by Pre-Trial Chamber II, I hereby transmit the decision on the non-compliance of the Republic of Chad with the cooperation requests issued by the Court regarding the arrest and surrender of Omar Hassan Ahmad Al-Bashir, issued by Pre-Trial Chamber II of the Court on 26 March 2013 (see enclosure), and refer this matter to the Security Council.

I would be grateful if you could transmit the present letter and its enclosure to the Security Council.

(*Signed*) Sang-Hyun **Song**

Enclosure

Cour
Pénale
Internationale

International
Criminal
Court

Original: English

No.: ICC-02/05-01/09
Date: 26 March 2013

PRE-TRIAL CHAMBER II

Before: Judge Ekaterina Trendafilova, Presiding Judge
Judge Hans-Peter Kaul
Judge Cuno Tarfusser

SITUATION IN DARFUR, SUDAN

THE PROSECUTOR V. OMAR HASSAN AHMAD AL BASHIR

Public Document

Decision on the Non-compliance of the Republic of Chad with the Cooperation Requests Issued by the Court Regarding the Arrest and Surrender of Omar Hassan Ahmad Al-Bashir

Document to be notified, in accordance with regulation 31 of the *Regulations of the Court*, to:

The Office of the Prosecutor
Fatou Bensouda, Prosecutor
Ade Omofade, Trial Lawyer

Counsel for the Defence

Legal Representatives of Victims

Legal Representatives of Applicants

Unrepresented Victims

Unrepresented Applicants for Participation/Reparation

The Office of Public Counsel for Victims

The Office of Public Counsel for the Defence

States Representatives
Competent authorities of
the Republic of Chad

Amicus Curiae

REGISTRY

Registrar
Ms Silvana Arbia

Deputy Registrar
Mr Didier Preira

Victims and Witnesses Unit

Detention Section

Victims Participation and Reparations Section

Others

No.: **ICC-02/05-01/09**

26 March 2013

Pre-Trial Chamber II (the "Chamber") of the International Criminal Court (the "Court" or "ICC") issues this decision on the non-compliance of the Republic of Chad with the cooperation requests issued by the Court regarding the arrest and surrender of Omar Hassan Ahmad Al-Bashir ("Omar Al-Bashir").

I. PROCEDURAL HISTORY

1. On 31 March 2005, the Security Council, acting under Chapter VII of the Charter of the United Nations (the "UN Charter"), adopted Resolution 1593 (2005) referring the situation in Darfur to the Court.[1]

2. On 4 March 2009 and 12 July 2010, Pre-Trial Chamber I ("PTC I") issued two warrants of arrest against Omar Al-Bashir.[2] These warrants of arrest remain to be executed.

3. On 6 March 2009 and 21 July 2010, the Registry, acting upon PTC I's request, issued the "Request to all States Parties to the Rome Statute for the arrest and surrender of Omar Hassan Ahmad Al Bashir"[3] and the "Supplementary request to all States Parties to the Rome Statute for the arrest and surrender of Omar Hassan Ahmad Al Bashir", respectively.[4] These requests called for the cooperation from all States Parties in the arrest and surrender of Omar Al-Bashir, pursuant to, *inter alia*, articles 89(1) and 91 of the Rome Statute (the "Statute").

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[1] S/RES/1593 (2005).
[2] ICC-02/05-01/09-1; ICC-02/05-01/09-95.
[3] ICC-02/05-01/09-7.
[4] ICC-02/05-01/09-96.

4. On 27 August 2010, PTC I issued the "Decision informing the United Nations Security Council and the Assembly of States Parties to the Rome Statute about Omar Al-Bashir's recent visit to the Republic of Chad".[5]

5. On 13 December 2011, PTC I also issued the "Decision pursuant to article 87(7) of the Rome Statute on the refusal of the Republic of Chad to comply with the cooperation requests issued by the Court with respect to the arrest and surrender of Omar Hassan Ahmad Al Bashir".[6]

6. On 15 March 2012, the Presidency issued the "Decision on the constitution of Pre-Trial Chambers and on the assignment of the Democratic Republic of the Congo, Darfur, Sudan and Côte d'Ivoire situations", in which it re-assigned, *inter alia*, the situation of Darfur, Sudan to this Chamber.[7]

7. On 14 February 2013, the Chamber received the "Prosecution's notification of possible travel in the case of *The Prosecutor v. Omar Al Bashir*, pursuant to Article 97 of the Rome Statute" (the "Prosecutor's First Notification"),[8] in which the Prosecutor averred, based on media reports, that Omar Al-Bashir might visit the Republic of Chad and the State of Libya during the weekend of 16-17 February 2013.[9]

8. On the same day, the Chamber requested the Registry to send notes verbales to the Republic of Chad and the State of Libya, enquiring about said visit, and reminding the former of its obligations with respect to the arrest and surrender

[5] ICC-02/05-01/09-109.
[6] ICC-02/05-01/09-140.
[7] ICC-02/05-01/09-143.
[8] ICC-02/05-01/09-144 and its annex.
[9] ICC-02/05-01/09-144.

of Omar Al-Bashir to the Court. This was reiterated in the Chamber's "Order Regarding Omar Al-Bashir's Potential Visit to the Republic of Chad and to the State of Libya" of 15 February 2013 (the "Order").[10]

9. On 19 February 2013, the Registry filed the "Report on the execution of the 'Order Regarding Omar Al-Bashir's Potential Visit to the Republic of Chad and the State of Libya'" (the "First Registry's Report" or "First Report").[11] According to the information provided in the First Report, the Registry transmitted on 12 and 15 February 2013 respectively, two notes verbales concerning said visit, to the Embassy of the Republic of Chad in the Kingdom of Belgium reminding the relevant State of its obligations under the Statute.[12] The Embassy of Chad acknowledged receipt of the first note verbale sent by the Registry on 12 February 2013.[13]

10. Based on the First Registry's Report and the relevant annexes appended thereto, Omar Al-Bashir's visit to the Republic of Chad took place on 15 and 16 February 2013, without prior consultation with the Court as required by virtue of article 97 of the Statute.[14]

11. On 22 February 2013, the Chamber issued the "Decision Requesting Observations on Omar Al-Bashir's Visit to the Republic of Chad" (the "Decision Requesting Observations"), in which it ordered the Registry to provide the Republic of Chad with a copy of the First Registry's Report.[15] The Chamber also

[10] Pre-Trial Chamber II, ICC-02/05-01/09-145.
[11] ICC-02/05-01/09-146 and its confidential annexes (1-5) as well as public annex (6).
[12] ICC-02/05-01/09-146, pp. 4-5.
[13] ICC-02/05-01/09-146, p. 5.
[14] ICC-02/05-01/09-146-Conf-Anx1.
[15] Pre-Trial Chamber II, ICC-02/05-01/09-147, p. 6.

requested the Republic of Chad to submit observations, no later than Thursday 14 March 2013, on: "1) the alleged failure to execute the requests for arrest and surrender of Omar Al-Bashir to the Court and; 2) the alleged failure to consult with the Court in case of any problems identified which might have impeded the execution of the requests for arrest and surrender of Omar Al-Bashir during his visit".[16]

12. On 15 March 2013, the Registry filed the "Report of the Registry on the execution of the 'Decision Requesting Observations on Omar Al-Bashir's Visit to the Republic of Chad'" (the "Second Registry's Report" or "Second Report").[17] According to the Second Report, the Registry transmitted to the competent authorities of the Republic of Chad, by way of a note verbale, the First Report as well as a copy of the Chamber's Order in their original English language on 25 February 2013.[18] The Registry also transmitted a second note verbale on 28 February 2013, concerning the French translation of these documents.[19]

13. In response to said notes verbales, the Second Report reveals that "the Government of Chad was likely to request the Court for an extension of time to submit its observations" in compliance with the Chamber's Decision Requesting Observations.[20] However, by the time the Second Report was filed, the Registry had not received any request for an extension of time from the Republic of Chad concerning the submission of their observations. This occurred notwithstanding the fact that the Registry had sent an email on 15 March 2013 to the Embassy of

[16] Pre-Trial Chamber II, ICC-02/05-01/09-147, p. 6.
[17] ICC-02/05-01/09-149-Conf and its annexes.
[18] ICC-02/05-01/09-149-Conf, para. 1.
[19] ICC-02/05-01/09-149-Conf, para. 2.
[20] ICC-02/05-01/09-149-Conf, para. 3.

the Republic of Chad requesting a "justification for missing the deadline of 14 March 2013".[21]

14. On 15 March 2013, the Prosecutor filed another notification regarding Omar Al-Bashir's visit to the Republic of Chad, which was scheduled to take place on 18 March 2013 (the "Prosecutor's Second Notification").[22]

15. On 21 March 2013, the Chamber received the "Report of the Registry on the observations submitted by the Republic of Chad on Omar Al-Bashir's visit to the Republic of Chad" (the "Third Registry's Report or "Third Report"),[23] in which it is mentioned that on 20 March 2013 the Registry received the requested observations lacking any explanation regarding their late submission.

II. APPLICABLE LAW

16. The Chamber notes articles 21, 86, 87(7), 89 and 97 of the Statute; regulations 23 *bis*, 29(1), 35 and 109(2), (3) and (4) of the Regulations of the Court (the "Regulations").

III. DETERMINATION BY THE CHAMBER

Preliminary Issue

17. In the Decision Requesting Observations, the Chamber requested the Republic of Chad to submit its observations concerning the subject matter of the present decision no later than Thursday 14 March 2013. As referred to above, the

[21] ICC-02/05-01/09-149-Conf, paras 4-6.
[22] ICC-02/05-01/09-148 and its annex.
[23] ICC-02/05-01/09-150 and its annex.

Republic of Chad has transmitted its observations after the lapse of the deadline specified by the Chamber, without providing any explanation for said delay as provided for in regulation 35(2) of the Regulations.

18. In this regard, the Chamber notes regulation 29(1) of the Regulations, which stipulates that "[i]n the event of non-compliance by a participant with the provisions of any regulation, or with an order of a Chamber made thereunder, the Chamber may issue any order that is deemed necessary in the interests of justice". According to the second paragraph, "[t]his provision is without prejudice to the inherent powers of the Chamber". The reference to "inherent powers" suggests that the Chamber is entitled to take any measure which it deems appropriate in the event of non-compliance "with an order of a Chamber".

19. The Republic of Chad is considered to be a party for the limited purpose of these proceedings, and therefore, the terms of regulation 29 of the Regulations apply to the case *sub judice*. In light of the non-compliance with the deadline provided for the submissions, as set out in the Decision Requesting Observations, the Chamber considers that the Republic of Chad has waived its right to be heard on the matter pursuant to regulation 109(3) of the Regulations, and accordingly, the appropriate remedy is to disregard its observations.[24]

[24] See in this regard, Pre-Trial Chamber II, *Situation in the Republic of Kenya*, "Decision on the Second Request for Assistance Submitted on Behalf of the Government of the Republic of Kenya Pursuant to Article 93(10) of the Statute and rule 194 of the Rules of Procedure and Evidence", ICC-01/09-97, paras 13-14; Appeals Chamber, *Prosecutor v. Thomas Lubanga Dyilo*, "Decision on Thomas Lubanga Dyilo's Application for Referral to the Pre-Trial Chamber/in the Alternative, Discontinuance of Appeal", ICC-01/04-01/06-393, para. 13.

Merits

20. Turning to the merits, the Chamber notes that the Republic of Chad is a State Party to the Statute since 1 January 2007, and accordingly, it is under the obligation, in accordance with articles 86 and 89 of the Statute, to execute the pending decisions and orders of the Court concerning the arrest and surrender of Omar Al-Bashir.

21. In this respect, the Chamber recalls the First, Second and Third Registry's Reports as well as the Prosecutor's First and Second Notifications. Reading these documents in their entirety, as summarised in the procedural history section, clearly reveals that the Government of the Republic of Chad continues to welcome the visits of Omar Al-Bashir on its territory without any attempt to arrest him, despite several warnings on the part of the Court. The Government of Chad has also, contrary to article 97 of the Statute, avoided consultations with the Court prior to said visits in order to resolve any problems concerning the execution of the pending cooperation requests. By so doing, the Government of the Republic of Chad is engaging in a consistent pattern of deliberately disregarding not only the Court's decisions and orders related to its obligation to cooperate in the arrest and surrender of Omar Al-Bashir, but also the Security Council Resolution 1593(2005).[25] This course of action calls upon the Security Council to take the necessary measures it deems appropriate.

22. In this context, the Chamber wishes to point out that, unlike domestic courts, the ICC has no direct enforcement mechanism in the sense that it lacks a police

[25] S/RES/1593 (2005). Notably, the Republic of Chad is a member of the United Nations since 1960, and accordingly, by virtue of article 25 of the UN Charter, it is bound "to accept and carry out the decisions of the Security Council in accordance with the [...] Charter".

force. As such, the ICC relies mainly on the States' cooperation, without which it cannot fulfil its mandate. When the Security Council, acting under Chapter VII of the UN Charter, refers a situation to the Court as constituting a threat to international peace and security, it is expected that the Council would respond by way of taking such measures which are considered appropriate, if there is an apparent failure on the part of the relevant State Party to the Statute to cooperate in fulfilling the Court's mandate entrusted to it by the Council. Otherwise, if there is no follow up action on the part of the Security Council, any referral by the Council to the ICC under Chapter VII would never achieve its ultimate goal, namely, to put an end to impunity. Accordingly, any such referral would become futile.

23. Having said the above, the Chamber recalls article 87(7) of the Statute according to which, "[w]here a State Party fails to comply with a request to cooperate by the Court contrary to the provisions of this Statute [...] the Court may make a finding to that effect and refer the matter to the Assembly of States Parties or, where the Security Council referred the matter to the Court, to the Security Council". Since the Republic of Chad has failed to cooperate with the Court with regard to the arrest and surrender of Omar Al-Bashir, thus preventing the institution from exercising its functions and powers under the Statute, the Court cannot but refer the matter to the Assembly of States Parties and the Security Council.

FOR THESE REASONS, THE CHAMBER HEREBY

a) decides to disregard the observations of the Republic of Chad;

b) finds that the Republic of Chad: 1) has failed to comply with its obligations to consult with the Chamber in accordance with article 97 of the Statute on the problem(s) which have impeded the execution of the requests for arrest and surrender of Omar Al-Bashir during his visit; and 2) has failed to cooperate with the Court by deliberately refusing to arrest and surrender Omar Al-Bashir, thus preventing the Court from exercising its functions and powers under the Statute;

c) refers, in accordance with article 87(7) of the Statute and regulation 109(4) of the Regulations, the present decision to the President of the Court for transmission to the Security Council, through the Secretary General of the United Nations, and to the Assembly of States Parties; and

d) orders the Registry to reclassify document ICC-02/05-01/09-149-Conf as public.

Done in both English and French, the English version being authoritative.

Judge Ekaterina Trendafilova
Presiding Judge

Judge Hans-Peter Kaul

Judge Cuno Tarfusser

Dated this Tuesday, 26 March 2013
At The Hague, The Netherlands

No.: ICC-02/05-01/09

26 March 2013

United Nations S/2013/230

Security Council

Distr.: General
16 April 2013

Original: English

Letter dated 16 April 2013 from the Secretary-General addressed to the President of the Security Council

I have the honour to transmit a letter dated 29 March 2013 from the Minister for Foreign Affairs and International Cooperation of the Republic of Mali, Tiéman Coulibaly (see annex).

I would be grateful if you would bring the present letter and its annex to the attention of the members of the Security Council.

(*Signed*) **BAN** Ki-moon

13-29326 (E) 170413 170413

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Annex

[Original: French]

We were pleased to welcome the report on the situation in Mali, dated 26 March 2013 (S/2013/189).

We are pleased that the report noted the substantial progress made in the political process since the adoption of resolution 2085 (2012), including the adoption of the transition road map and the establishment of the National Commission for Dialogue and Reconciliation.

We share the analysis of the security situation contained in the report, which identified the need to restore the sovereignty of the Malian State over the entire national territory as a priority.

We consider that the report serves as a good basis for discussion on the establishment of the future United Nations operation in Mali, in that Option 2 reflects the view that I presented to you during our discussion on 15 March 2013 in New York.

I remain committed to cooperating closely with you in addressing the current situation in my country.

Accept, Sir, the assurances of my highest consideration.

(*Signed*) Tiéman Hubert **Coulibaly**

United Nations S/2013/231

Security Council

Distr.: General
16 April 2013

Original: English

Letter dated 16 April 2013 from the Secretary-General addressed to the President of the Security Council

I have the honour to transmit a letter dated 26 March 2013 from Kadré Désiré Ouédraogo, President of the Commission of the Economic Community of West African States (see annex).

I would be grateful if you would bring the present letter and its annex to the attention of the members of the Security Council.

(*Signed*) **BAN** Ki-moon

13-29320 (E) 170413

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Annex

Letter dated 26 March 2013 from the President of the Commission of the Economic Community of West African States addressed to the Secretary-General

Re-hatting of the African-led International Support Mission in Mali (AFISMA) to a United Nations stabilization mission

I am writing to express my deep appreciation to you for the proactive stance of the United Nations on the situation in Mali, lately demonstrated by the rapid dispatch of a United Nations fact-finding mission to the country. The Economic Community of West African States (ECOWAS) has engaged constantly with the United Nations and other key stakeholders on the findings of this mission and shares most of its preliminary conclusions, particularly on the persisting security and institutional challenges, the urgent need to address the logistical and other requirements of the African-led International Support Mission in Mali (AFISMA) and the options for a future United Nations peacekeeping mission.

While ECOWAS keenly awaits your report to the Security Council, as well as the subsequent debate at the Council, on this matter, ECOWAS hereby requests you to strongly recommend the re-hatting of AFISMA into a robust United Nations stabilization mission under an appropriate mandate, as soon as practicable. In addition, ECOWAS requests you to strongly recommend to the Security Council to maintain a parallel force in Mali with the requisite capacity to quickly dislodge any regrouped terrorists or insurgents, alongside the United Nations stabilization force.

It is my humble opinion that this option constitutes the most appropriate formula for stabilizing the security situation in Mali and paving the way for the rapid implementation of the transitional road map, including the conduct of the impending presidential and legislative elections.

On a related matter, I would also like to encourage you to recommend the immediate disarmament of the National Movement for the Liberation of Azawad (MNLA) and the deployment of the Malian Defence and Security Forces to Kidal, while urging a disarmed MNLA to seek the resolution of its political grievances within the framework of the National Commission for Dialogue and Reconciliation.

While looking forward to building on the excellent cooperation between ECOWAS and the United Nations on the situation in Mali, I convey to you the expressions of my highest consideration.

(*Signed*) Kadré Désiré **Ouédraogo**
President of the Commission

United Nations S/2013/232

Security Council

Distr.: General
17 April 2013

Original: English

Letter dated 16 April 2013 from the Permanent Representative of the Sudan to the United Nations addressed to the President of the Security Council

I have the honour to convey to you a copy of the joint communiqué of the meeting between the President of the Republic of the Sudan, H.E. Omar Hassan al-Bashir, and the President of the Republic of South Sudan, H.E. Salva Kiir Mayardit (see annex), which took place on Friday, 12 April 2013, during the official visit to Juba by H.E. Omar Hassan al-Bashir in response to a kind invitation extended by H.E. Salva Kiir Mayardit.

The two presidents affirmed their commitment to implement the cooperation agreements signed by the two States in Addis Ababa on 27 September 2012. They also expressed their satisfaction with the progress achieved in the implementation of the matrix. The two presidents also discussed the way forward regarding the remaining issues, and decided to continue their efforts to resolve the Abyei issue in accordance with the implementation matrix.

I should be grateful if you would circulate the present letter and its annex as a document of the Security Council.

(*Signed*) Daffa-Alla Elhag Ali **Osman**
Permanent Representative

13-29491 (E) 170413 180413

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Annex to the letter dated 16 April 2013 from the Permanent Representative of the Sudan to the United Nations addressed to the President of the Security Council

[Original: Arabic]

Joint communiqué

Today, Friday 12 April 2013, H.E. the President of the Republic of the Sudan, Mr. Omar Hassan Ahmad al-Bashir, led a high-level delegation on an official visit to the Republic of South Sudan at the kind invitation of H.E. General Salva Kiir Mayardit, President of the Republic of South Sudan.

The two presidents chaired official discussions at which were agreed all important pending aspects of the matrix that was recently signed by the two sides in a cordial atmosphere, which has had a positive outcome.

During the discussions, both sides affirmed their genuine and sincere commitment to implementation of the joint cooperation agreement that was concluded in Addis Ababa on 27 September 2012 in the same constructive spirit that governs their relations.

Both presidents expressed their complete satisfaction with the progress made in implementing all items on the agreement implementation matrix and commended, in particular, the smooth progress made in implementing the agreements on security arrangements, oil and cooperation between the two countries' central banks. They also requested that all joint mechanisms and committees should expedite the strengthening of relations between the two countries in all fields.

The two presidents further discussed means of effecting progress on the other pending issues and decided to continue joint endeavours to resolve the Abyei issue in accordance with the agreement implementation matrix concluded by their countries. They stated that they were quite satisfied with the mechanism for their summit meetings and had agreed that a joint ministerial committee should be established, headed by the two deputy presidents and comprising a specific number of ministers, with a view to accelerating the taking of decisions designed to develop relations between the two countries.

President al-Bashir expressed his thanks and appreciation to the Government and people of South Sudan for the warmth with which he and his delegation had been received and issued an invitation to H.E. Salva Kiir to visit Khartoum in the near future, in order to expedite joint efforts to strengthen relations between the two fraternal countries and promote constructive cooperation efforts.

Juba, 12 April 2013

United Nations S/2013/233

Security Council

Distr.: General
17 April 2013

Original: English

Letter dated 16 April 2013 from the Permanent Representative of the Sudan to the United Nations addressed to the President of the Security Council

I have the honour to enclose herewith (see annex) a copy of the statement delivered by the President of the Republic of the Sudan, H.E. Omar Hassan al-Bashir, at the joint meeting with the President of the Republic of South Sudan, H.E. Salva Kiir Mayardit in Juba on 12 April 2013. At the outset President Al-Bashir stated that the signing of the integrated matrix for the implementation of the cooperation agreements of 27 September 2012 paved the ground for his visit, and he described the implementation of the matrix as encouraging and called for optimism.

President Al-Bashir also underlined that the resumption of the production of South Sudan oil is a model of constructive and positive cooperation, and that the positive achievements in the relations between the two countries during the past weeks had encouraged the appetite of governmental institutions and civil society organs of both countries to initiate contacts with each other.

President Al-Bashir reiterated his commitment to implement all that was agreed upon, and he reiterated his deep wish to reach satisfactory solutions for all pending issues, in the same constructive spirit that takes into account the interests of the two countries and peoples.

I should be grateful if you would circulate the present letter and its annex as a document of the Security Council.

(*Signed*) Daffa-Alla Elhag Ali **Osman**
Permanent Representative

13-29603 (E) 220413

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Annex to the letter dated 16 April 2013 from the Permanent Representative of the Sudan to the United Nations addressed to the President of the Security Council

[Original: Arabic]

I am very happy to be visiting Juba, which has a special place in my heart and in the sentiments of every Sudanese person. I am accompanied by a high-level delegation of officials and ministers in the Government of the Sudan and representatives of certain civil society organizations, reflecting the strength of the political and domestic desire to open a new page in the relationship between two countries that are united not only by proximity, but also by the deep and firmly entrenched ties of shared history, culture and geography, in addition to boundless interests.

The positive atmosphere and the opportunity that was created by the conclusion of the cooperation agreement implementation matrix that was signed by our two countries on 27 September 2012 paved the way for this visit, which we believe signals the beginning of constructive cooperation in normalizing relations between our countries and developing them towards integration and the strategic partnership for which we all hope.

Extremely encouraging progress has been made since the matrix was concluded, giving us grounds for optimism. If we take real action together, with the cooperation of our friends and the international community, we can achieve all articles of the matrix, in accordance with the schedule set out therein. Security arrangements are being made with joint determination and sincerity, and we trust that security and stability in the two countries will be of mutual interest and that each side will assist the other in achieving them, given that they represent the heart of our concern for regional security and stability in our mother continent of Africa.

The resumption of oil extraction may be considered a model of constructive joint cooperation. Agreement and understanding was reached at both the political and technical levels over all the arrangements necessary to ensure that life would flow into the veins of the economies of both countries and both peoples would benefit. The financial aspect of the oil agreement was concluded at meetings between the central banks of our countries and paved the way for the work of the joint ministerial committee on trade.

The positive achievements that have been realized in the course of the relationship between the two countries in recent weeks have given all Government institutions and civil society organizations a taste for contact and communication. I think that in the next few days after this successful visit, there will, God willing, be a wide range of movement and activity in all fields of cooperation between the two countries. The recent visit to Khartoum by a delegation from the South Sudan Trade Union and South Sudan Parliament is just the beginning of this momentum. That visit was, fortunately, given very favourable coverage by the media of both countries, which are independent of the Government in both cases.

I would like to reiterate that this successful visit will have an impact on the development of relations between our countries, and I would like, here, to advise all the State apparatus and political institutions in the Sudan and urge all civil society organizations to be open to their brothers and colleagues in South Sudan, in order to

make the cooperation that was written into our agreements a reality that will have a positive impact on the lives and standards of living of our peoples.

I should also like to stress once again that we are fully committed to the implementation of all that we have agreed and have a profound desire to achieve satisfactory conclusions to all the remaining issues, in the same constructive spirit that takes into account the interests of the two countries and peoples.

With regard to the Abyei region, we underline the importance of implementing together all articles of the Temporary Arrangements for the Administration and Security of the Abyei Area, and of establishing a regional council and administration and a police force, in order to assist in upholding security in the region, providing basic services and facilitating the return of displaced persons. That will create a healthy atmosphere that will assist the presidents of the two countries in reaching mutual understanding on the final settlement of the Abyei issue.

Border issues, as we all know, are in every part of the world at the forefront of concerns with regard to bilateral and international relations. Fortunately, the borders between our two countries are well populated and rich in economic and social activity. We are therefore eager to resolve all border disputes wisely and peacefully, and in accordance with international principles and norms. We should also like to reiterate our determination to make those borders elastic and to manage them jointly, with the aim of achieving integration and linkages through common projects for which we shall make every endeavour to provide funding. With that understanding, we hope that we will work together to implement the border delineation agreement, as one of the cooperation agreements, and complete efforts, with the African experts, relating to the five disputed areas.

I hope to see you soon in Sudan, which is your country, so that we may continue the process of genuinely cooperating together in order to achieve our aspirations, and serve as an African, or indeed, global, model for States that are emerging from conflict and turning towards construction and development, and make a positive contribution to human civilization, of which we were once pioneers.

United Nations S/2013/234

Security Council

Distr.: General
18 April 2013

Original: English

Seventeenth semi-annual report of the Secretary-General to the Security Council on the implementation of Security Council resolution 1559 (2004)

I. Background

1. The current report is my seventeenth semi-annual report on the implementation of Security Council resolution 1559 (2004). It reviews and assesses the process of the implementation of the resolution since my last report issued on 17 October 2012 (S/2012/773). It notes the absence of further tangible progress on key provisions of the resolution, and highlights concerns that continue to threaten Lebanon's sovereignty, territorial integrity and political independence, despite Lebanon's careful policy of disassociation from the Syrian crisis.

2. The last six months were marked by two major developments: the assassination of Internal Security Forces Branch Chief Brigadier General Wissam al-Hassan on 19 October 2012, which cast further uncertainty over Lebanon's stability, and the resignation of Prime Minister Najib Mikati on 22 March 2013, which raised further questions regarding the electoral process. On 6 April, President Michel Sleiman appointed Tamam Salam as Prime Minister-designate, with the task of forming a new Government. During the period under review, the Security Council issued two press statements in which it reiterated the importance of preserving Lebanon's security, stability and independence (SC/10799, SC/10941).

3. Since my last report, the ongoing turmoil in the Syrian Arab Republic has further impacted Lebanon, as it increased political polarization and concern that the unrest in the Syrian Arab Republic could have negative consequences for Lebanon's stability. Several Lebanese citizens were killed by shots fired from the Syrian Arab Republic, and Syrian Government forces were responsible for further incidents of cross-border shelling and at least three reported airstrikes by Syrian helicopters in Lebanon. Lebanese members of a group of fighters supporting the Syrian opposition were reportedly killed by Syrian Government forces after they crossed into the Syrian Arab Republic near the Syrian town of Tal Kalakh on 30 November. There are further reports of the deaths of Hizbullah fighters in the Syrian Arab Republic.

4. The crisis in the Syrian Arab Republic continues to pose serious challenges to the security and the authority of the Lebanese State. In particular, domestic tensions have significantly increased across Lebanon between groups with diverging positions on the Syrian crisis, leading to armed clashes that have resulted in death and injury. Recurrent fighting in Tripoli during the reporting period resulted in a

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number of further fatalities and injured, including Lebanese Armed Forces personnel. In addition, there has been a dramatic rise in the number of Syrian nationals fleeing to Lebanon from the violence in their country, amounting to 406,000 refugees as at 4 April, as well as a significant increase in the influx of Palestinian refugees who were based in the Syrian Arab Republic. Lebanon currently hosts the largest number of refugees among the Syrian Arab Republic's neighbours and is facing enormous humanitarian, socioeconomic and political challenges as a consequence.

5. The case against former Minister and Member of Parliament Michel Samaha for involvement in smuggling explosives from the Syrian Arab Republic has been expanded with two new arrest warrants, including the warrant of 4 February for Syrian General Ali Mamlouk, head of the Syrian National Security Bureau. On 20 February, a judge issued an indictment against the three suspects in the case.

6. On 19 October, Brigadier General Wissam al-Hassan, the head of the information branch of the Internal Security Forces responsible for investigating domestic and external terrorism and espionage and ensuring the security of prominent political figures, was killed in a terrorist attack in Beirut. The assassination led to a limited number of incidents of violence and calls for the Government of Prime Minister Mikati to resign. Following the incident, the 14 March group maintained a boycott of the Government and of the National Dialogue, the latter of which did not meet during the reporting period. In a press statement issued on 19 October (SC/10799), the Security Council strongly condemned the attack and demanded an immediate end to the use of violence against political figures. I strongly condemned the bomb explosion and spoke with President Sleiman and Prime Minister Mikati to emphasize the strong commitment of the international community to the security and stability of Lebanon at this critical time.

7. On 22 March, Prime Minister Mikati announced his resignation, triggering the automatic resignation of the Government. His announcement immediately followed a session of the Council of Ministers that failed to establish the elections oversight body required for the elections called for 9 June 2013, and did not vote to extend in office the Director of the Internal Security Forces, General Ashraf Rifi. The resignation of the Prime Minister also followed a protracted period in which Lebanon's political leadership was unable to agree on an elections law for the parliamentary elections. In his resignation announcement, Prime Minister Mikati highlighted the failure of the Cabinet to agree on General Rifi's extension, and also underscored his hope that the door would be opened for dialogue on key outstanding issues. In the light of the political uncertainty and the continuing tensions throughout the country, I called on all parties to remain united behind the leadership of President Sleiman and to work together with the institutions of the State to maintain calm and stability and to respect Lebanon's policy of disassociation, consistent with their commitment in the National Dialogue's Baabda Declaration of June 2012.

II. Implementation of resolution 1559 (2004)

8. Since the adoption of Security Council resolution 1559 (2004) on 2 September 2004, several of its provisions have been implemented as highlighted in my previous reports. Presidential and parliamentary elections took place in a free and fair

manner. The Syrian Arab Republic withdrew its troops and military assets from Lebanon in April 2005. Lebanon and the Syrian Arab Republic established full diplomatic relations in 2009.

9. President Sleiman and Prime Minister Mikati continued to affirm during the reporting period Lebanon's respect for all United Nations resolutions. However, the escalating crisis in the Syrian Arab Republic and its impact on the political and security environment in Lebanon has contributed to the lack of concrete progress in the implementation of the outstanding provisions of resolution 1559 (2004) and other Security Council resolutions pertaining to Lebanon. Rising sectarian tensions and the political stalemate that characterized the reporting period made progress on resolution 1559 (2004) still more difficult, though more necessary than ever.

10. The delineation of the Syrian-Lebanese border, which was strongly encouraged by the Security Council in its resolution 1680 (2006), has still not taken place. Moreover, the existence and activities of Lebanese and non-Lebanese militias continue to pose a threat to the stability of the country and the region, and highlight the need for the Government of Lebanon and the Lebanese Armed Forces to intensify their efforts to reach a full monopoly on the possession of weapons and the use of force throughout Lebanon.

11. My representatives and I have remained in regular contact with all parties in Lebanon over the reporting period, as well as with relevant regional and international leaders. I met President Sleiman on 30 January in Kuwait City on the margins of the International Humanitarian Pledging Conference for Syria, and with Prime Minister Mikati on 25 January in Davos, Switzerland, on the margins of the World Economic Forum. I also spoke to President Sleiman on 26 March, following the resignation of Prime Minister Mikati. On all occasions I reiterated the United Nations unwavering commitment to the stability and security of Lebanon during this difficult time, as well as the need for Lebanon to continue its efforts to meet all of its international obligations, in particular those under relevant Security Council resolutions.

A. Sovereignty, territorial integrity, unity and political independence of Lebanon

12. Resolution 1559 (2004) aims at strengthening the sovereignty, territorial integrity, unity and political independence of Lebanon under the sole and exclusive authority of the Government of Lebanon throughout the country, in line with the Taif Agreement of 1989, to which all the political parties in Lebanon committed themselves. This objective has remained the highest priority of my efforts to facilitate the implementation of all resolutions pertaining to Lebanon.

13. In its resolution 1680 (2006), the Security Council strongly encouraged the Government of the Syrian Arab Republic to respond positively to the request by the Government of Lebanon to delineate their common border. I have continued to call upon the Syrian Arab Republic and Lebanon to achieve the full delineation of their common border. However, given the ongoing conflict in the Syrian Arab Republic, no tangible steps were taken by either side during the period towards the delineation and demarcation of the border between the two countries.

14. The delineation and demarcation of Lebanon's boundaries remain essential elements to guarantee national sovereignty and territorial integrity. They are also critical steps to facilitate proper border control. The complex security situation along the Syrian-Lebanese border in the current circumstances, including credible reports of cross-border fighting and movement of arms and people, further underlines the urgency of demarcating the border. While acknowledging the bilateral nature of border delineation, progress on this matter remains an obligation of the two countries under Security Council resolution 1680 (2006), derived from 1559 (2004).

15. From 17 October to 27 March, 21 cross-border shelling incidents were reported in northern Lebanon (at least 67 shells landed in Lebanon), causing at least two Lebanese deaths, two injuries and damage to 12 homes and two mosques. During the same period, at least three cross-border incursions were reported. On 18 March, Syrian helicopters were reported to have entered Lebanese airspace and fired rockets at two locations close to the north-eastern border town of Arsal without casualty. The Government of the Syrian Arab Republic denied that the incident took place. On 21 March, there was a report of a further rocket fired by a Syrian helicopter and landing in the same area and a further incident involving a Syrian helicopter on 3 April. President Sleiman condemned the airstrikes as an unacceptable violation of Lebanese sovereignty. On 20 March, I expressed grave concern at the reported airstrikes, and called upon the Government of the Syrian Arab Republic to cease all violations of the border and to respect the sovereignty and territorial integrity of Lebanon.

16. On 14 March, the Security Council adopted a press statement in which Council members underscored their grave concern over repeated incidents of cross-border fire that caused death and injury among the Lebanese population, incursions, abductions and arms trafficking across the Lebanese-Syrian border, as well as other border violations. They underlined the importance of full respect for Lebanon's sovereignty, unity and territorial integrity, and the authority of the Lebanese State, in accordance with Security Council resolutions.

17. The continued occupation by the Israel Defense Forces of the northern part of the village of Ghajar and an adjacent area north of the Blue Line stands in violation of Lebanon's sovereignty and resolutions 1559 (2004) and 1701 (2006). My representatives and I have continued to engage closely with both parties with a view to facilitating the withdrawal of Israeli forces from the area in implementation of resolution 1701 (2006).

18. There has been no progress either in relation to the issue of the Shab'a Farms area. Neither the Syrian Arab Republic nor Israel has responded with regard to the provisional definition of the area contained in my report on the implementation of resolution 1701 (2006), issued on 30 October 2007 (S/2007/641).

19. The Israel Defense Forces continued to make almost daily intrusions into Lebanese airspace, mainly by unmanned aerial vehicles, but also fighter jets and attack helicopters. In an incident on 28 November, at least six Israeli attack helicopters entered Lebanese airspace and flew at low altitude in the general vicinity of Tyre. All of these overflights are violations of Lebanese sovereignty and resolutions 1559 (2004) and 1701 (2006). The Government of Lebanon has repeatedly protested these violations. I have deplored them and demanded that they cease immediately. Israeli authorities claim in turn that these overflights are carried out for security reasons.

B. Extension of control of the Government of Lebanon over all Lebanese territory

20. The Government of Lebanon has reiterated to the United Nations its intention to extend State authority over all Lebanese territory, as called for by the Taif Agreement and resolution 1559 (2004). The Lebanese Armed Forces and the Internal Security Forces have played a crucial role in implementing this commitment, under difficult security circumstances. However, the ability of the Lebanese State to fully exercise its authority over all of its territory has remained curtailed and challenged, underlining the need for continued international support to the authorities and the Lebanese Armed Forces.

21. Several incidents have challenged domestic security, most of which linked directly or indirectly to the crisis in the Syrian Arab Republic that exacerbated sectarian tensions. The city of Tripoli has been the focus of repetitive grave tensions and incidents. The clashes in the city between 4 and 10 December reflected a worrying increase in the intensity of violence and the use of heavy-calibre weapons. Calm was restored after the Lebanese Armed Forces deployed heavily in the neighbourhoods affected. However, on 18 January there was a shooting incident in Tripoli involving a convoy carrying Faisal Karameh, the Minister for Youth and Sports, which left five people injured. Following a 17 March assault on four Sunni religious scholars in Beirut, fighting resumed in Tripoli, resulting in at least six people dead and 48 wounded. The Lebanese Armed Forces deployed to contain the situation.

22. There have also been security incidents elsewhere in Lebanon, in particular in Beirut, Sidon and in the Akkar region, which reflected yet again rising confessional tensions or challenges to the authority of the State. On 12 November, the Lebanese Armed Forces deployed to contain an outbreak of violence in Sidon after Hizbullah supporters and followers of Sheikh Ahmad el-Assir clashed, leaving three dead and at least four wounded. On 1 February, two Lebanese soldiers were killed following a raid to arrest a wanted militant in Arsal. Their killing was broadly condemned. Efforts to secure the arrest of those responsible are ongoing.

23. In my last report on resolution 1559 (2004) (S/2012/773) I referred to several abductions and retaliatory hostage-taking in both Lebanon and the Syrian Arab Republic. Such incidents continued, including most recently on 1 April, when an unconfirmed number of Syrian workers were abducted as they entered Lebanon. Nine of the pilgrims abducted on 22 May 2012 in the Syrian Arab Republic are still held hostage.

24. The above-mentioned occurrences confirm the widespread proliferation of weapons held by non-State actors and the significant threats it poses to domestic peace and security. In this context, there is an obvious need for the Lebanese authorities to do more to impose law and order throughout the country, which they have striven to do during the reporting period. In particular, they have sought to increase the capacities of the Lebanese Armed Forces. Following the Cabinet's approval of a broad, medium-term plan budgeted at US $1.6 billion to increase the capabilities of the Lebanese Armed Forces, the Government committed to cover funding for the first year. The Lebanese authorities have indicated that they will be looking for assistance from the United Nations and donor support for this plan, which reflects the requirements and objectives of the strategic dialogue, a separate

but integral component of the overall capability development plan, as part of the implementation of resolution 1701 (2006), which I have welcomed.

25. Over the reporting period, the situation in the area of operations of the United Nations Interim Force in Lebanon (UNIFIL) remained generally stable. The explosion that occurred on 17 December in the vicinity of Tayr Harfa, approximately 2 kilometres from the Blue Line, is still under investigation. On two occasions, unidentified armed groups attempted to launch rockets from Lebanon into northern Israel, coinciding with the conflict in the Gaza Strip and southern Israel from 14 to 21 November 2012. On some occasions, UNIFIL faced restrictions to its freedom of movement in its area of operations. Some of these endangered the safety and security of the United Nations peacekeepers. I condemned such restrictions on the freedom of movement of United Nations peacekeepers and reiterate that the primary responsibility for ensuring the security and the freedom of movement of UNIFIL in its area of operations lies with the Lebanese authorities. I have reported to the Security Council in more detail on these issues in my reports on the implementation of resolution 1701 (2006).

26. With regard to Lebanon's border with the Syrian Arab Republic, there continue to be reports of arms trafficking taking place in both directions. Several Member States have continued to express deep concern over the illegal transfer of weapons across the land borders. Israeli officials have stated that they would act to prevent advanced or chemical weapons systems from being transferred to Hizbullah from the Syrian Arab Republic. Senior representatives of Hizbullah, for their part, maintained their position that they had no intention of acquiring chemical weapons. In this context, I noted with grave concern reports of an Israeli airstrike on a location near Damascus on 30 January and called on all concerned to strictly abide by international law, in particular in respect of territorial integrity and sovereignty of all countries in the region. The Lebanese authorities have indicated that the land border between Lebanon and the Syrian Arab Republic remains difficult to control, but that the Lebanese Armed Forces are deployed and have sought to tighten control along the border to the best of its ability by increasing the number of patrols and observation missions. While the United Nations has no independent means to verify reports of cross-border arms smuggling, I have repeatedly expressed my concerns about the risks to both countries.

27. In order to address ongoing cross-border incidents and in the context of reports of arms smuggling, there remains an urgent need to improve the management and control of Lebanon's land borders. This is also necessary to avoid armed groups and militias in Lebanon from expanding their weapons arsenal, which constitutes a threat to domestic and regional peace. Donor coordination with the authorities on integrated border management continues. I have urged all States to renew efforts to meet their obligations under Security Council resolutions to take the necessary measures to prevent the transfer of arms to groups outside the control of the Government of Lebanon.

C. Disbanding and disarmament of Lebanese and non-Lebanese militias

28. In its resolution 1559 (2004), the Security Council called for the disarming and disbanding of all Lebanese and non-Lebanese militias. This key provision of the

resolution is yet to be implemented. It reflects and reaffirms a decision to which all Lebanese committed themselves in the Taif Agreement, which led at the time to Lebanese militias, with the exception of Hizbullah, giving up their weapons. Given the current domestic context of heightened sectarian tensions and the impact of the Syrian crisis on Lebanon, it is critical that this agreement be preserved and implemented by all in order to avoid the spectre of a renewed confrontation among the Lebanese.

29. Lebanese and non-Lebanese militias within the country continue to operate outside of the control of the Government in serious violation of resolution 1559 (2004). While several groups across the political spectrum in Lebanon possess weapons outside Government control, the armed component of Hizbullah is the most significant and most heavily armed Lebanese militia in the country. The maintenance of arms by Hizbullah and other groups poses a serious challenge to the State's ability to exercise full sovereignty and authority over its territory. In addition, a series of Palestinian armed groups continue to operate in the country inside and outside the refugee camps. Further, there have been unconfirmed reports in recent months of possible infiltration or presence of extremist elements in Lebanon, in particular Jabhat an-Nusra.

30. I have repeatedly expressed my deep concern to Lebanese leaders about the serious risks these militias pose to the stability of the country and the region. I have urged them to address this matter without further delay, as it is their obligation under Security Council resolution 1559 (2004). This requirement has become even more pressing as Parliamentary elections are due to take place in June 2013. In a democratic State, it is a fundamental anomaly that a political party maintains its own militia. Nonetheless, Hizbullah has continued to acknowledge openly that it maintains and expands a substantial military capacity separate from that of the Lebanese State. It further claims that its arms serve as a deterrent against potential aggression from Israel. Meanwhile, Israeli officials have argued that, given the participation of Hizbullah in the Government of Lebanon, Israel would consider reacting to any Hizbullah attack on Israel with retaliation on the Lebanese State.

31. There have been yet again credible reports suggesting involvement of Hizbullah and other Lebanese political forces in support of parties to the conflict in the Syrian Arab Republic. This has added a dangerous element to the situation in Lebanon. The Tal Kalakh incident, in which Lebanese fighters were killed in the Syrian Arab Republic by the Syrian Army, resulted in a significant rise in tensions within Lebanon, and was followed by serious fighting in Tripoli. For its part, Hizbullah publicly acknowledged the death of Lebanese fighters defending Shia villages in the Syrian Arab Republic near the border with Lebanon.

32. Over the reporting period, there was yet again no tangible progress towards the disbanding and disarming of Lebanese and non-Lebanese militias, as called for in the Taif Agreement and resolution 1559 (2004). Since the adoption of that resolution in 2004, no concrete steps have been taken to address this crucial issue, which lies at the heart of the sovereignty and the political independence of Lebanon. Nonetheless, several Lebanese groups and individuals have continued to speak up against Hizbullah's maintenance of a military arsenal, which they consider is a destabilizing factor in the country and contradictory to democracy. Many Lebanese see the continued existence of such arms as an implicit threat for use within Lebanon for political reasons, bearing in mind in particular the violent events of May 2008.

33. I have long supported the National Dialogue, a Lebanese-led political process, as the best way to address the issue of arms and achieve the ultimate goal of no weapons or armed forces in Lebanon other than those of the Lebanese State. President Sleiman remains strongly committed to the resumption of the National Dialogue. However, in the aftermath of the assassination of Brigadier General Wissam al-Hassan on 19 October, it has proven impossible to reconvene sessions of the National Dialogue.

34. During the period under review, the security situation in the Palestinian camps remained tense. In the Ain el-Helweh Palestinian refugee camp there were heightened tensions on 23 January and again on 18 and 19 February between groups respectively loyal to the regime and the opposition in the Syrian Arab Republic. The clashes were relatively limited, and contained by the Palestinian security committee in the camp. On 11 and 12 March, fighting between Palestinian factions was fierce and caused one death and at least 13 injuries. On 22 January, the Government of Lebanon committed to fund the Lebanese-Palestinian Dialogue Committee for three years. Leaders in the Palestinian camps in Lebanon have shown unity in working together, and with the Lebanese authorities, in order to maintain order against the backdrop of the crisis in the Syrian Arab Republic.

35. Humanitarian conditions for Palestinian refugees in Lebanon remain dire, while the influx of almost 40,000 additional Palestinian refugees displaced from the Syrian Arab Republic into the already extremely cramped camps in Lebanon has imposed a heavy new burden on the inhabitants and on the efforts of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) to assist them. Palestinian refugees from the Syrian Arab Republic have been staging daily demonstrations in front of the UNRWA office in Beirut, demanding more assistance. The United Nations has continued to urge the Lebanese authorities to improve the conditions in which Palestinian refugees live in Lebanon, notably by facilitating their access to the official labour market through the implementation of outstanding legislation. This should be done without prejudice to the eventual resolution of the Palestinian refugee question in the context of a comprehensive peace agreement in the region, and bearing in mind the detrimental effects of dismal living conditions on the wider security situation.

36. The presence of Palestinian armed groups outside the camps continues to challenge the ability of Lebanon to exercise full sovereignty over its territory. In spite of the decision taken in 2006 by the National Dialogue, and confirmed in subsequent sessions, no progress was made with regard to dismantling the military bases of the Popular Front for the Liberation of Palestine (PFLP)-General Command (GC) and Fatah al-Intifadah in the country. All but one of these bases are located along the Syrian-Lebanese border. Their presence continues to undermine Lebanese sovereignty and governmental authority and makes delineation of the border more difficult. It poses a serious challenge, given the conflict in the Syrian Arab Republic, to the effective control of the eastern border between Lebanon and the Syrian Arab Republic. I have reiterated my calls upon the Lebanese authorities for the implementation of earlier decisions of the National Dialogue, specifically those related to the dismantling of PFLP-GC and Fatah al-Intifada military bases, and upon the Government of the Syrian Arab Republic to cooperate with these efforts in good faith.

III. Observations

37. I am disappointed at the lack of further tangible progress towards the implementation of the remaining provisions of resolution 1559 (2004). While I am aware that Lebanon is facing a particularly difficult moment and is being severely challenged by the crisis in the Syrian Arab Republic, I am concerned that continued stagnation in the implementation of resolution 1559 (2004) could lead to the erosion of provisions already implemented and contribute to further deterioration in Lebanon's stability. I reiterate my firm conviction that it is in the best interest of Lebanon and the Lebanese to make progress toward the full implementation of the resolution for the long-term stability of the country and the region.

38. I remain concerned at the reports of deepening sectarian tensions in Lebanon and the continued impact of the Syrian crisis on the security and political dynamics in the country. Political polarization and lack of agreement on an elections law and security appointments have made Lebanon even more vulnerable and less able to address the challenges it now faces. Following the resignation of Prime Minister Mikati, it is imperative that all parties in Lebanon work urgently towards broad-based agreement on key outstanding issues. I note the appointment on 6 April of Tamam Salam as Prime Minister-designate and encourage all Lebanese political leaders to continue to engage with him positively to ensure the early formation of a Government in order to safeguard stability and facilitate the conduct of timely parliamentary elections, in accordance with the constitutional requirements. It is critical that Lebanon's leaders use this opportunity to strengthen national institutions and the confidence of all communities that they will act in a manner that protects Lebanon from the impact of the Syrian crisis and provides security and stability throughout the country. Consensus on the electoral process, in line with the Constitution, will be a key test of this, especially given the need for timely elections.

39. I condemn the repeated incidents in which civilians were reported to have been killed, injured or put at risk on the Lebanese side of the border owing to the actions of the authorities of the Syrian Arab Republic. I call upon all parties, in particular the Government of the Syrian Arab Republic, to respect the sovereignty and territorial integrity of Lebanon, in accordance with Security Council resolution 1559 (2004). I am also concerned by the reported involvement of Lebanese elements in the conflict in the Syrian Arab Republic, which is contrary to Lebanon's policy of disassociation and poses very real risks to national security and stability. Noting the statement of the Security Council of 14 March in this regard, I commend the efforts of President Sleiman to uphold Lebanon's policy of disassociation, which remains essential to preserving Lebanon from any further impact of the conflict in the Syrian Arab Republic. I reiterate my call upon all Lebanese political leaders to ensure full respect for such policy so that Lebanon will remain neutral with regard to external conflicts, consistent with their commitment in the Baabda Declaration of June 2012.

40. I have repeatedly cautioned that the widespread proliferation of weapons outside the control of the State, combined with the continued existence of heavily armed militias, undermines the security of Lebanese citizens. The maintenance by Hizbullah of sizeable sophisticated military capabilities outside the control of the Government of Lebanon remains a matter of grave concern, particularly as it creates an atmosphere of intimidation and represents a key challenge to the safety of Lebanese civilians and to the Government monopoly on the legitimate use of force. It also puts Lebanon in violation of its obligations under resolution 1559 (2004) and

constitutes a threat to regional peace and stability. I urge Hizbullah not to engage in any militant activity inside or outside of Lebanon, consistent with the requirements of the Taif Agreement and Security Council resolution 1559 (2004).

41. I urge the Government of Lebanon and the Lebanese Armed Forces to take all the measures necessary to prohibit Hizbullah from acquiring weapons and building paramilitary capacities outside the authority of the State, in violation of resolution 1559 (2004). As Hizbullah maintains close ties with a number of regional States, in particular the Islamic Republic of Iran, I call upon these States to encourage the transformation of the armed group into a solely political party and its disarmament, consistent with the requirements of the Taif Agreement and resolution 1559 (2004), in the best interest of Lebanon and regional peace and security.

42. It is my firm belief that the best way to address the disarmament of militias in Lebanon, particularly Hizbullah, is through a Lebanese-led cross-party political process. To this end, it is crucial that the National Dialogue, under the leadership of President Sleiman, resume. I also urge all parties to respect and implement earlier decisions of the National Dialogue, specifically those related to the disarmament of non-Lebanese groups and the dismantling of PFLP-GC and Fatah al-Intifada military bases. The Syrian crisis should not be used as an excuse to ignore these responsibilities, but rather as a moment when disarming and disbanding militias is more necessary than ever. President Sleiman's national defence strategy, submitted at the 20 September session of the National Dialogue, remains an important initiative that should be built upon.

43. I am deeply concerned by the situation of Palestinian refugees in the camps and the additional strains that the Syrian crisis has placed on the camps in Lebanon. In this context, I welcome the unity shown by leaders in the Palestinian camps in Lebanon in working together, and with the Lebanese authorities, to maintain order against the backdrop of the crisis in the Syrian Arab Republic. I urge as a matter of priority more substantive Lebanese-Palestinian dialogue to improve conditions and move towards the implementation of legislation to ease their employment. Such progress would not prejudice the eventual resolution of the Palestinian refugee question in the context of a comprehensive regional peace agreement. I reiterate my call on donors to support UNRWA and its vital work in providing services to Palestinian refugees in Lebanon.

44. I regret the absence of any progress on the border delineation and demarcation with the Syrian Arab Republic, which has a significant impact on border control. I remain of the view that integrated border management will in the longer term contribute significantly to better control of Lebanon's international borders and help to prevent the illegal transfers of arms in both directions. This has become even more pressing in the context of events in the neighbouring Syrian Arab Republic. In this context, I welcome continued donor support for border management.

45. I deplore Israel's continued violations of the sovereignty and territorial integrity of Lebanon, most conspicuously the overflights of Lebanese territory by Israeli aircraft, including, in this reporting period, overflights by attack helicopters. I call upon Israel to adhere to its obligations under relevant Security Council resolutions and withdraw its forces from the northern part of the village of Ghajar and an adjacent area north of the Blue Line, and to cease its overflights of Lebanese airspace, which undermine the credibility of Lebanese security services and

generate anxiety among the civilian population. They also greatly increase the risk of unintended consequences in an already very tense region.

46. The recurrence of security incidents throughout Lebanon highlights the fragility of the domestic environment and the need for the Lebanese authorities to intensify efforts to prevent the illegal use of weapons in the country and impose law and order. These efforts are even more urgent, given the political uncertainty in Lebanon and the continuing effects of the Syrian crisis. I commend the Lebanese Armed Forces and the Internal Security Forces, which have continued to perform robustly in addressing several security challenges over the reporting period. I am also encouraged by the continued efforts of Member States to equip and train the Lebanese Armed Forces and the Internal Security Forces at a time when the security demands on Lebanon are heavy. I welcome the progress made on the five-year capacity development plan for the Lebanese Armed Forces and the efforts made to ensure that it includes the requirements and objectives of the strategic dialogue. I encourage all stakeholders, including the Government of Lebanon and international donors, to be forthcoming in their support for the plan when it is finalized.

47. Threats to the political leadership of Lebanon remain a serious concern to me. I reiterate the call of the Security Council for the perpetrators, the organizers, the financiers and the sponsors of the assassination of Brigadier General Wissam al-Hassan to be brought to justice, as well as those involved in the attempted assassination of political figures last year. It is critical that steps be taken to assure Lebanon's political leaders that they should not fear for their lives. I also call upon the Lebanese authorities to take forward the judicial process for former Minister Michel Samaha in a fair and transparent way in order to bring all those implicated in the case to justice.

48. The multiple challenges faced by Lebanon at present, largely as a result of the Syrian crisis, are very real. Given the extraordinary diversity characterizing Lebanese society, it is necessary that the spirit of cooperation and respect for the principles of coexistence and security in Lebanon prevail, as must domestic peace without intimidation by armed groups, as set out in the Taif Agreement. Against the background of the current political uncertainty in Lebanon, I urge all Lebanese leaders to come to agreement on key issues such as the formation of a new government, an electoral law and security appointments. Unity within the Lebanese political leadership is vital to prevent the country from being drawn into regional turmoil.

49. I remain firmly committed to the implementation of resolution 1559 (2004) for the sake of peace and security during a particularly difficult and challenging time in Lebanon. I, therefore, count on the continued commitment of the Government to its international obligations and call on all parties and actors to fully abide by resolutions 1559 (2004), 1680 (2006) and 1701 (2006). I further call on Member States to renew efforts to support Lebanon in ensuring respect for meeting obligations under these resolutions, as the best way to advance the country's long-term prosperity and stability as a democratic State. I will continue my efforts towards the full implementation of these and all other Security Council resolutions pertaining to Lebanon.

United Nations S/2013/235

Security Council

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17 April 2013

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Report of the Secretary-General concerning the credentials of the alternate representative of the Russian Federation on the Security Council

Pursuant to rule 15 of the provisional rules of procedure of the Security Council, the Secretary-General wishes to report that he has received a letter dated 15 April 2013 from the Permanent Representative of the Russian Federation stating that Mr. Evgeny Zagainov has been appointed alternate representative of the Russian Federation on the Security Council.

In the opinion of the Secretary-General, this letter constitutes adequate provisional credentials.

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Security Council

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18 April 2013

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Letter dated 18 April 2013 from the Secretary-General to the President of the Security Council

I have the honour to transmit a letter dated 10 April 2013 from Nkosazana Dlamini Zuma, Chairperson of the African Union Commission (see annex).

I should be grateful if you would bring the present letter to the attention of the members of the Security Council.

(*Signed*) **BAN** Ki-moon

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Annex

I am writing to you in the context of the decision on Western Sahara adopted by the African Union Executive Council at its twenty-second ordinary session, held in Addis Ababa on 24 and 25 January 2013. In that decision, the Executive Council requested the Commission to take all necessary measures for the organization of a referendum for the self-determination of the people of Western Sahara, in compliance with the relevant decisions of the Organization of African Unity and United Nations resolutions.

Earlier on, in August 2009, the Special Session on the Consideration and Resolution of Conflicts in Africa, convened by the Assembly of the Union in Tripoli, expressed support for the United Nations efforts to overcome the impasse on Western Sahara and relevant Security Council resolutions that call for direct negotiations between the two parties, namely the Kingdom of Morocco and the Frente Polisario, without preconditions and in good faith, with a view to achieving a just, lasting and mutually acceptable political solution, which would provide for the self-determination of the people of Western Sahara, in the context of arrangements consistent with the principles and purposes of the Charter of the United Nations. To this end, the Special Session called for the intensification of efforts towards the holding of a referendum to enable the people of the Territory to choose between the option of independence and that of integration into the Kingdom of Morocco.

The decision of the Executive Council was prompted by the recognition of the lack of progress towards the resolution of the dispute over the Territory of Western Sahara and the concern arising therefrom. It was also driven by the willingness of African Union member States to give proactive meaning and comprehensive scope to Pan-Africanism and African Renaissance, under which the fiftieth anniversary of the Organization of African Unity/African Union will be celebrated.

Indeed, the question of Western Sahara was first inscribed in 1963 in the United Nations list of Non-Self-Governing Territories to which the landmark Declaration on the Granting of Independence to Colonial Countries and Peoples is applicable. Fifty years have elapsed since then, and while most of the dependent territories have exercised their right to self-determination, the Territory of Western Sahara still remains on the list.

Given the dependent status of the Territory, the Organization of African Unity had been seized with the matter since its inception. In this respect, a number of resolutions were adopted, calling on Spain, as the administering Power, to enable the people of the Territory to exercise their right to self-determination, just as the United Nations had been doing. In particular, the nineteenth ordinary session of the Assembly of Heads of State and Government of the Organization of African Unity, held in Addis Ababa from 6 to 12 June 1983, adopted resolution AHG/Res.104 (XIX) on an Organization of African Unity Peace Plan on Western Sahara, in which it notably urged the parties to the conflict, the Kingdom of Morocco and the Frente Polisario, to undertake direct negotiations with a view to bringing about a ceasefire to create the necessary conditions for a peaceful and fair referendum for the self-determination of the people of Western Sahara.

The settlement proposals that the United Nations, with support from the Organization of African Unity, presented to the two protagonists early in August 1988 were aimed at enabling the people of the Territory to exercise their right to

self-determination and independence, in accordance with General Assembly resolutions 1514 (XV) and 40/50, as well as resolution AHG/Res.104 (XIX). Unfortunately, neither the settlement proposals nor the subsequent efforts to resolve the dispute have succeeded in overcoming the impasse. Your Personal Envoy for Western Sahara, Christopher Ross, is currently seized with the issue, but five years on, and in spite of the commendable efforts deployed, progress is yet to be made.

Against this background, there is a need for renewed efforts by the international community to assist the two parties in overcoming the current impasse, on the basis of relevant United Nations resolutions. As your Personal Envoy recently stated, the current status quo is not a viable option. Indeed, this state of affairs contributes to continued tension in the Territory, as illustrated by the demonstrations that occurred over the past few years and the deteriorating human rights situation, which prompted a number of international stakeholders, including the African Commission on Human and Peoples' Rights, to call upon the Security Council to provide the United Nations Mission for the Referendum in Western Sahara with a human rights mandate, as is the case in many United Nations peacekeeping missions. The current situation also complicates all efforts towards integration in the Maghreb region. Furthermore, it has the potential to undermine regional security.

I am aware that the Security Council will consider this matter in the coming days, and I would therefore appreciate it if the contents of this letter could be circulated to all members of the Security Council for their information, consideration and action as appropriate.

Lastly, I intend to submit a report to the Executive Council on the matter at its next session, in May 2013. In this respect, and in order to provide the Executive Council with as comprehensive an update as possible, I would appreciate receiving an update from the United Nations on its efforts. I would also like to extend an invitation to your Personal Envoy to visit Addis Ababa as early as possible for an exchange of views with the Commission on the best way forward.

(*Signed*) Nkosazana **Dlamini Zuma**

United Nations S/2013/237

Security Council

Distr.: General
19 April 2013

Original: English

Letter dated 15 April 2013 from the Secretary-General addressed to the President of the Security Council

I have the honour to refer to presidential statement S/PRST/2011/19 on security sector reform, in which the Security Council requested that I submit, by early 2013, an assessment of the United Nations support for security sector reform, including efforts in Africa, and make recommendations on how best to strengthen the United Nations comprehensive approach to security sector reform.

Currently, security sector reform management activities are being conducted in peacekeeping operations, special political missions and other settings, as mandated by the Security Council or recommended by the General Assembly. Security sector governance remains one of the most rapidly expanding areas of the United Nations, which is also reflected in numerous resolutions of the Council.

Since July 2012, the Security Sector Reform Unit of the Department of Peacekeeping Operations has organized a number of consultations, in compliance with the request of the Security Council. These consultations have taken into account the linkages between United Nations assistance and conflict prevention and peacebuilding. The views of relevant United Nations organs and actors have also been taken into account in the process of preparing the assessment.

The initial consultations included the inter-agency senior security sector reform practitioners' workshop held in July 2012; the High-level Panel on the Challenges and Opportunities for Security Sector Reform in East Africa and the second High-level Forum on African Perspectives on Security Sector Reform, both held in October 2012; a high-level meeting of the Group of Friends of Security Sector Reform held in Geneva in December 2012; and a high-level United Nations practitioners' meeting held in Geneva in March 2013. Many of those events were hosted by or organized in partnership with Member States and regional organizations, including the African Union. I have also sought the views of the Special Committee on Peacekeeping Operations, whose most recent annual report was released in September 2012.

In addition, the Secretariat is now seeking to consult a broad range of stakeholders, with an emphasis on African experiences and the lessons learned from the elaboration of the African Union Policy Framework on Security Sector Reform, which was adopted by African Heads of State and Government at the African Union summit held in January 2013.

Furthermore, the United Nations Inter-Agency Security Sector Reform Task Force developed its first set of five integrated technical guidance notes on security

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sector reform, launched in December 2012. Some of the core elements contained in the guidance notes will form the basis for my comprehensive security sector reform assessment.

In order to provide the Security Council with a full overview of the rapidly developing elements highlighted in the above-mentioned presidential statement, and in the light of the need to conduct further in-depth consultations within the United Nations Inter-Agency Security Sector Reform Task Force and its field counterparts, it is expected that my report to the Council containing the assessment will be issued by 30 September 2013. I therefore request an extension of the report time frame. The Secretariat would be ready to provide the Council with an update at a mutually agreed time before the revised deadline.

I should be grateful if you would bring this letter to the attention of the members of the Security Council.

(*Signed*) **BAN** Ki-moon

United Nations S/2013/238

Security Council

Distr.: General
19 April 2013

Original: English

Letter dated 19 April 2013 from the President of the Security Council addressed to the Secretary-General

I have the honour to inform you that your letter dated 15 April 2013 (S/2013/237) concerning the issuance of the report requested in the statement by the President of the Security Council (S/PRST/2011/19) on the assessment of the United Nations support for security sector reform has been brought to the attention of the members of the Council.

The members of the Council have taken note of the fact that there are delays in the issuance of the aforementioned report and look forward to receiving it as close to the due date as possible.

(*Signed*) Eugène-Richard **Gasana**
President of the Security Council

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United Nations S/2013/239

Security Council

Distr.: General
19 April 2013

Original: English

Letter dated 19 April 2013 from the Secretary-General addressed to the President of the Security Council

I have the honour to transmit the findings and observations of the Somalia technical assessment mission, as requested by the Security Council in its resolution 2093 (2013) (see annex).

I should be grateful if you would bring the present letter and its annex to the attention of the members of the Security Council.

(*Signed*) **BAN** Ki-moon

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Annex

Results of the Secretary-General's technical assessment mission to Somalia, pursuant to Security Council resolution 2093 (2013)

1. The Security Council, in its resolution 2093 (2013) of 6 March 2013, agreed that the United Nations Political Office for Somalia (UNPOS) should be replaced by a new special political mission as soon as possible. The Council requested me to urgently field a technical assessment mission, in full cooperation with the Federal Government of Somalia, the African Union, regional bodies and Member States, and on the basis of the guiding principles set out in resolution 2093 (2013), paragraphs 20 to 23, and to revert to the Council with advice by 19 April 2013.

2. In line with the request of the Council, and after consultation with the Federal Government of Somalia and the African Union, a technical assessment mission was deployed to Somalia and the region from 17 to 29 March. It was led by the Department of Political Affairs, and comprised representatives of all relevant departments, offices, agencies, funds and programmes. A representative of the World Bank had to withdraw owing to illness. The African Union met with the team in Addis Ababa.

3. The technical assessment mission began its visit in Mogadishu, where it held detailed and constructive meetings with the President and the Prime Minister of the Federal Government of Somalia, the Speaker and many Federal Government ministers, parliamentarians, a range of civil society actors and some regional and international partners. In addition to Mogadishu, the team visited the "newly recovered" areas of Jowhar, Baidoa, and Beledweyne, and the town of Galkacyo, capital of the self-styled region of Galmadug. Part of the team also travelled to Garowe, the capital of the regional State of Puntland, and to Hargeisa, the capital of Somaliland, which has claimed independence from Somalia since 1991. In each location, the team met with local officials, representatives of civil society and United Nations staff. The technical assessment mission also visited Nairobi to meet with the United Nations country team members and international partners and Addis Ababa for consultations with the African Union.

I. Key findings

4. Throughout its encounters, the technical assessment mission heard strong support for a United Nations mandate in all the areas identified by Security Council resolution 2093 (2013), namely, good offices and political support; strategic and policy advice on matters of peacebuilding and statebuilding, particularly regarding the security sector and rule of law, with an emphasis on capacity development; support to the promotion of human rights, including on sexual, gender-based and conflict-related violence and violations against children, the promotion and protection of women's rights, focusing on building capacity and monitoring; and support to coordination of international assistance, noting that the Government intends to take the lead, with the United Nations providing support.

5. The political environment in Somalia is extremely complex, but there are also impressive capacities for peace and dialogue. The strong political will of the

leadership of the Federal Government of Somalia to rebuild their war-torn society bodes well for the peacebuilding and statebuilding process. The Government has considerable legitimacy, and inspires hope and optimism. However, it has a long way to go in reassuring political actors outside the Government, and beyond Mogadishu, that their interests will be met in the process of realizing the federal system. In Puntland, the technical assessment mission was advised that Puntland reaffirmed its commitment to be part of a federal Somalia and looked forward to the new mission assisting in ensuring the completion of the constitutional process in Somalia. At the same time, Puntland recommended that the current international assistance to the region continue. Interlocutors in Somaliland stressed that the territory has its own democratic history and is not part of Somalia, and insisted on the continuation of the "dual-track" policy regarding international assistance, stressing the need for the United Nations presence in Somaliland to have specifically tailored priorities "without prejudice to the political and priorities of federated regions of Somalia".

6. Continued international commitment is critical to ensure an enabling security environment for delivery on the goals of the interim period. At present, south and central Somalia cannot be regarded as a post-conflict environment. Somalia is a country in which the international community is seeking to make and build peace in the context of ongoing war and active counter-insurgency operations. With international assistance, the struggle against Al-Shabaab has turned a corner, but it is far from over. The Somali National Security Forces and the African Union Mission in Somalia (AMISOM) continue their campaign, under difficult conditions, to recover the large swathes of the country that still remain under the control of insurgents. However, their limited capacity constrains their ability to launch new offensives and protect existing gains.

7. In the recovered areas, the interlocutors of the technical assessment mission expressed hope for a stabilizing effect from a new United Nations mission, including by attracting political and donor attention. The United Nations was requested to help mediate reconciliation processes and to support the establishment of a federal Somalia; build local capacity for policing, prisons and justice; and provide urgent assistance to help tackle former Al-Shabaab fighters, with the authorities lacking a policy framework and facilities to handle defectors. Insecurity has many implications, both operational and political. Notably, for a future United Nations mission, insecurity will significantly raise the costs, the risks and the challenges of operating in south and central Somalia. United Nations staff in every location visited by the technical assessment mission highlighted extremely challenging and limiting security conditions within the recovered areas, describing "recovered" towns as islands, beyond which movement is nearly impossible. It also means that for the local population, cooperation with the Federal Government of Somalia represents choosing sides in an ongoing war, a difficult and potentially dangerous decision for actors at all levels of society. This is a major challenge for a Government seeking to consolidate a federal system in the space of just three years. For the United Nations mission, it will require a robust physical presence and a nuanced political approach, with an emphasis on risk management.

8. The Federal Government of Somalia is committed to stabilization, peacebuilding and statebuilding. Yet, it requires time to build its own capacity, revenue and authority. Somalia needs a "one-door" approach from its international partners. Somalia enjoys considerable international goodwill, and the presence of its

friends is increasingly visible in the country. But across the statebuilding and peacebuilding agenda, international assistance is fragmented, duplicative and confused, rendering the net result suboptimal. While the Somali authorities have made clear their intention to lead international coordination, it will need practical support and discipline from donors to change the old dynamic, in which international assistance to Somalia has often fuelled conflict as much as it has built capacity.

9. AMISOM has achieved significant military successes in recent months recovering important strategic locations from Al-Shabaab. These gains, however, remain fragile as the vast area of responsibility and the lack of enablers and force multipliers constrain the ability of the force to project beyond current deployment locations. AMISOM also maintains a civilian presence in Mogadishu and has commenced recruitment of civilian personnel to be deployed in the newly recovered areas.

II. Proposed new United Nations mission

10. The above findings depict an environment in which a new United Nations mission can do much good. However, it will not be the only actor and will need strong support, partnerships and the commitment of Member States to succeed. With this in mind, and in respect of the deployment of a new United Nations mission under resolution 2093 (2013), the technical assessment mission developed a mission concept, which outlines an approach for providing:

(a) The good offices role of the United Nations, backed up by sound political and information analysis, capacity for mediation and a robust approach to strategic communications;

(b) Tailored strategic and policy advice for peacebuilding and statebuilding; advice should be complemented by programmatic support to capacity development by the United Nations country team and other partners, especially strengthened support in the areas of security and the rule of law;

(c) Assistance to develop Somalia's national capacity to promote respect for human rights, child protection and prevention of conflict-related sexual violence, coupled with monitoring in line with international standards;

(d) Support to coordination of the efforts of the international community, fully respecting the lead role of the Somali authorities.

11. In order to effectively carry out its work, the new mission will be guided by the following principles: (a) **Somali national ownership**: the mission will assist Somali actors to develop nationally owned and inclusive strategies and frameworks and to devise realistic plans and priority goals; (b) **flexibility**: the mission will maintain a flexible structure to ensure the ability to deliver to evolving priorities by having a limited permanent residential staff complemented by flexible funding to enable specialized experts, as needed; it will also require a highly mobile and flexible concept of mission support and will draw on the modalities identified in the report of the Secretary-General on civilian capacity in the aftermath of conflict (A/66/311-S/2011/527); (c) **collaboration and partnerships**: the mission and the United Nations country team will work together as "One UN" to provide multidisciplinary responses to the priorities of the Government, while respecting the

humanitarian space; it will seek deeper partnerships with other major actors, such as the African Union/AMISOM and the Intergovernmental Authority on Development (IGAD); and (d) **risk management**: the mission will actively work to reduce the risks that its actions may unintentionally provoke conflict. Existing tools and policies, such as the United Nations Human Rights Due Diligence Policy, will be implemented and a programme criticality assessment will be completed as an essential element in determining acceptable risk.

A. Core substantive functions of the new mission

12. Based on the mandated areas indicated in resolution 2093 (2013), the mission will have substantive expertise in the following areas: (a) political affairs and mediation/facilitation; (b) rule of law and security institutions; and (c) human rights and protection. The experts of the mission will work together with the United Nations country team, AMISOM and other relevant partners in issue-specific task teams to address priority issues in a coherent, strategic manner.

Political affairs and mediation

13. The political affairs and mediation group of the mission will support the good offices of the Special Representative in respect of political and reconciliation processes at the federal and regional levels, with particular focus on supporting the Federal Government of Somalia to deliver core political tasks over the period 2013-2016, in support of the development of a federal system. Working with all relevant political actors at the federal and regional levels, the group will work to identify political opportunities and risks to the peace process; identify entry points for the United Nations, and respond to specific requests for advice and support to mediation or facilitation; for example, to the development of federal regional relations; and develop strategies, policy advice and recommendations to inform the work of the United Nations and international partners. The group will comprise a core of political affairs officers, including some with expertise in federalism, mediation, elections and other key subject areas, and will facilitate the deployment of additional consultants and seconded experts as may be required to support various phases of the political process during the period 2013-2016, which will include the completion of the constitutional review and preparation of a referendum, census and elections. The mission will also have a Senior Gender Adviser, who will work closely with the political affairs and mediation group, ensuring that a broad spectrum of gender-related issues, particularly the inclusion of women's concerns and issues in Somalia's statebuilding and peacebuilding priorities, is reflected in the political work of the mission. Additional capacity to support the preparation of a referendum and elections would be on the basis of a request from the Government and further to a dedicated needs assessment to be conducted at the appropriate time, in consultation with all relevant partners.

Rule of law and security institutions

14. The rule of law and security institutions capacity of the new mission will support the Government's priority objectives of transforming and building Somalia's security and justice institutions. In addition to strategic advice and support to the Government's lead in coordination, the rule of law and security institutions group, working with the United Nations country team, will assist the Government and

donors in ensuring early, tangible results in strategic, priority areas identified by the Government with regard to police, justice and corrections, mine action and maritime security, where the United Nations has comparative advantage and there are gaps to be filled.

15. At the policy level, the mission will provide technical advice to the Government to coordinate bilateral efforts supporting security sector reform and develop a strategic vision within which such support can become better aligned with national priorities (as articulated in the Government's National Security and Stabilization Plan). The mission, working with the United Nations Development Programme (UNDP) and bilateral partners, will assist the Government to design and enhance the command and control structure in the Ministry of Defence, as well as provide technical expertise to support the nascent National Security Council. To support the Somali National Police Force, the mission will provide technical advice to the Government, including revising legislation governing the police and aligning bilateral financing and training efforts to the Strategic Action Plan for Policing (2013-2017). Mission police experts should be capable of deploying outside of Mogadishu in the early stages of the mission in order to support the Government to re-establish policing in recovered areas, as part of its stabilization strategy. The mission will also need maritime security and counter-piracy expertise to continue providing strategic advice to the Government on maritime security and to coordinate a United Nations system-wide approach to supporting the Government to implement its national maritime strategy through the Kampala process.

16. The mission will also provide much needed technical advice and related operational support to the justice institutions of Somalia, which have received little donor support to date. It will support Somali-led strategic planning processes and provide technical assistance to address critical gaps in the national legal framework. The mission will also work with the national authorities and partners to facilitate the extension of rule-of-law services delivery beyond Mogadishu, with a particular emphasis on the newly recovered areas where basic justice and corrections capacity will need to be established, building on existing traditional justice mechanisms and paying specific attention to the rights of women and children. A key early priority will be to assist the Federal Government of Somalia in establishing safe, predictable programmes for managing disengaged Al-Shabaab fighters. Even in advance of the deployment of the mission, finalization of an agreed policy and legal framework will be essential to enable pilot programmes and donor support in this regard. In partnership with the United Nations country team, the mission will work with the Government to identify requirements, under the arrangements for the Global Focal Point on Police, Justice and Corrections, that will bring together the resources and the capacities of the mission, UNDP and other United Nations country team partners in a joint programme for police, justice and corrections that will support the priorities of the Government. As part of the mission, the ongoing activities of the United Nations Mine Action Service in Somalia will continue to promote coordinated support to mine action and explosive management and build national capacity to respond to the explosive threat in Somalia.

Human rights and protection

17. The human rights and protection group in the mission will promote awareness, understanding of and adherence to the rule of law and respect for international human rights and humanitarian law, including the rights of women, and the inclusion of

children's issues in the political process. This group will include expertise in human rights, including on the rights of women, sexual violence in conflict and child protection. Building on its monitoring, investigative and public reporting capacity, the overall objective of the human rights and protection group will be to develop trust and confidence among national and local authorities to advance human rights and protection agendas throughout the country; create space for dialogue and discourse on human rights and protection issues within governmental and non-governmental institutions; link up with existing governmental and non-governmental structures and other relevant stakeholders working on these issues in creating and strengthening the national human rights and protection system; liaise closely with other parts of the mission and members of the United Nations country team dealing with rule of law, security, mediation and reconciliation, gender and humanitarian issues in order to have a coherent response to the current human rights and protection challenges in the country; and work closely with ongoing capacity-building programmes in the field of human rights and protection provided by the United Nations country team and partners, the donor community and other relevant stakeholders to avoid duplication and non-action.

18. Working closely with the United Nations country team, the human rights and protection group will support the Government to review, develop and implement legislation necessary to comply with international human rights and protection standards as the cornerstone of the mission's capacity-building programme and develop curricula to train and raise awareness within national security institutions and other target groups. It will support the Government task force on sexual violence in developing a national strategy for preventing and responding to sexual violence. It will also provide assistance, as part of the country task force on monitoring and reporting on grave violations of children's rights, to implement national action plans on the recruitment, use, killing and maiming of children in armed conflict, and support the Government to implement its two related actions plans, as requested by the Security Council in its resolution 2093 (2013). The human rights and protection group will work with other parts of the United Nations to establish the basis for effective engagement with non-United Nations security entities in the context of the implementation of the United Nations Human Rights Due Diligence Policy.

Multidisciplinary task teams

19. In addition to the above core expertise areas to be provided by the mission, the following multidisciplinary task teams are envisaged to ensure coherent approaches between the United Nations country team and the mission to other key challenges facing Somalia:

(a) Stability and recovery in the newly recovered areas;

(b) Maritime issues (accompanying the Kampala process);

(c) Economic drivers of conflict; and

(d) Capacity development.

The task teams will change to reflect the evolving situations of Somalia. From the outset of the mission, these teams will include the relevant United Nations country team colleagues.

20. As outlined in my report of 31 January 2013 (S/2013/69) and endorsed by the Security Council in its resolution 2093 (2013), the United Nations Support Office for AMISOM (UNSOA) will be integrated within the framework of the new mission, with the head of UNSOA continuing to report to the Department of Field Support on delivery of logistical support to AMISOM, and, in parallel, to the Special Representative of the Secretary-General on United Nations mission support issues and policy/political questions arising from the functions of UNSOA. I believe that this approach will preserve UNSOA responsiveness in supporting AMISOM and is consistent with the intent of the Security Council and the request expressed in the African Union Peace and Security Council communiqué of 27 February 2013.

B. Coherence and effectiveness

21. The mission and the United Nations country team will engage in a strategic partnership based on the principle of integration. The mission and the country team will develop a shared vision of the strategic objectives of the United Nations and prepare an integrated strategic framework with agreed results, timelines and responsibilities for the delivery of tasks critical to consolidating peace.

22. In order to maximize the impact of strategic advice in the core mandated areas, the mission will have an "enabling platform" for strategic integration, comprising integrated systems for analysis, strategic planning and effective mandate implementation. This will multiply the value-added of substantive experts based in the mission and as a platform for more effective intra-United Nations integration and United Nations-African Union collaboration.

23. Key features include an integrated information hub and integrated analysis team, combining mission staff and staff from the United Nations country team and AMISOM to promote common situational awareness and a shared understanding of strategic challenges, as well as provide capacity for integrated crisis management. A joint planning team, comprised of the mission's strategic planning capacity and representatives of the Office for the Coordination of Humanitarian Affairs and the United Nations Department of Safety and Security, the Office of the Resident Coordinator and AMISOM will maintain an overview of all United Nations and African Union planning frameworks and facilitate United Nations and United Nations-African Union coordination. The modalities for United Nations-AMISOM coordination, including the leadership team described below, will be finalized in a joint planning meeting between the mission and AMISOM immediately after the mission is established.

24. Based on the principle of "form following function", the mission and the United Nations country team will explore avenues for increased collaboration. Joint programmes will be developed in specific areas that require both political and development expertise, such as elections, while more flexible joint teams or strategies will be established in thematic areas that cut across organizational mandates; for example, support to the constitutional review process, as well as in the areas of policing, justice and corrections, which are covered by the Department of Peacekeeping Operations-UNDP global focal point system. These coordinated efforts will require increased support for United Nations country team activities and coordination between the mission and the country team. From 1 January 2014, the Deputy Special Representative of the Secretary-General/Resident Coordinator/

Humanitarian Coordinator will take up post in the mission, and will be responsible for supporting the coordination of the country team and the coherence and synergy of the mission and the country team. Additional capacity will be made available to augment the capacity of the existing Office of the Resident Coordinator and enable it to provide tailored coordination support in different regions of the area of operations. This will include experts to be deployed at the regional level and in Puntland and Somaliland, taking into account the latter's unique conditions. The Office for the Coordination of Humanitarian Affairs will continue to support humanitarian coordination across the mission area.

25. In order to facilitate effective mandate implementation and to maximize the value-added of substantive support to be provided by the mission, the mission will have expertise in the areas of knowledge and skills transfer, as well as planning, monitoring and evaluation. These strategic management measures will enable the mission to track, monitor and evaluate United Nations performance and progress in supporting the Government priorities. All the above efforts will be further supported by a dynamic strategic communications capacity to enable the mission to provide accurate and impartial information about the peace process, promote the values of the United Nations, facilitate media development in Somalia and build and manage the relationship between the United Nations, Somalis and the international community.

C. Leadership and international coordination

26. A Special Representative of the Secretary-General will head the mission, supported by two Deputy Special Representatives with the following functions: one Deputy will deputize in the absence of the Special Representative of the Secretary-General and assist the Special Representative in overseeing substantive mission functions; and one Deputy Special Representative of the Secretary-General/Resident Coordinator/Humanitarian Coordinator will assume the triple-hatted function with effect from 1 January 2014, and, in his or her capacity as Deputy Special Representative of the Secretary-General, will support the Special Representative in his or her functions and facilitate the coordinated activities of the United Nations country team in supporting peacebuilding and realizing synergies with the mission. In addition, the Special Representative will be supported by a Director of Mission Support, who will concurrently serve as head of UNSOA, with the reporting lines articulated in my report of 31 January 2013 (S/2013/69).

27. From the outset, the new integrated mission will establish senior leadership structures with a view to ensuring systematic coordination and synergy with United Nations agencies, funds and programmes, and a strengthened strategic partnership with the African Union. To this end, a joint leadership team, comprising the Special Representative of the Secretary-General, the Deputy Special Representative of the Secretary-General, the Deputy Special Representative of the Secretary-General/ Resident Coordinator/Humanitarian Coordinator, the Director of Mission Support, the Chief of Staff, the AMISOM Special Representative of the Chairperson of the African Union Commission for Somalia and the AMISOM Force Commander, will meet regularly to define the common vision and shared objectives for the work of the integrated mission, the United Nations country team and AMISOM in Somalia, and will jointly address issues of mutual concern. This team will be supported by integrated arrangements for analysis and planning.

28. The coordination of assistance provided by the international community remains the sovereign responsibility of the Somali authorities. However, assisting the Government to discharge this function at the political level is a responsibility of the mission, as envisaged in paragraph 22 (e) of Security Council resolution 2093 (2013). Proposals have been presented to the Somali authorities for a streamlined Somali partnership forum to replace existing structures for political coordination. With respect to aid coordination, it is anticipated that the Government will take the lead in a structure based on the New Deal, with the United Nations providing support under the leadership of the Deputy Special Representative of the Secretary-General/Resident Coordinator/Humanitarian Coordinator. Relevant mission personnel and United Nations country team members will support sectoral coordination functions in the areas of their mandates that are aligned with the Government's New Deal goals.

D. Expanded physical presence

29. The mission will be headquartered in Mogadishu, and will establish a presence across the whole area of operations, as requested by the Federal Government of Somalia, including in Somaliland, recognizing the need for further dialogue between Hargeisa and Mogadishu on their future relations.

30. In principle, the mission will establish presence in the capitals of regional States formed and recognized by the Federal Government of Somalia and the administrations themselves under the terms of the provisional Constitution (currently this applies only to Garowe, capital of Puntland). Where such States are yet to be formed, the mission will establish a presence in relevant regional capitals, based on (a) the presence of an interim administration recognized by the Federal Government of Somalia; (b) the relevance of the mandate of the Mission to needs in the region, as identified by federal and local authorities and civil society, in consultation with AMISOM and the United Nations country team; (c) the ability of the mission to add value, taking into account local capacity, security and logistic constraints; and (d) a cost benefit analysis of the advantages of a permanent presence versus mobile capacity provided on a needs basis from a nearby location.

31. The mission will establish a presence in Mogadishu, Hargeisa and Garowe, using existing facilities. A presence in Baidoa and Beledweyne will also be established during the initial phase of the mission, taking into account security conditions and the availability of appropriate accommodation. Presence in Kismaayo and other regional centres should be considered on the basis of the four criteria above and taking into account political and security developments. Initial mission presence will be in existing or planned UNSOA facilities located alongside AMISOM; within the first phase of the mission, planning should be developed for separate mission locations, close to Government counterparts, where security and logistic arrangements permit.

E. Personnel and funding arrangements

32. It is not possible to anticipate at this stage all the expertise that the mission may be asked to support. It will be important for the mission to adapt over its lifetime to new needs identified by the Somali authorities and/or to address contextual priorities. In addition to the provision of core staff, the mission will

require access to substantial flexible funding arrangements in order to enable the provision of additional expertise to be deployed as required by priorities in Somalia and to meet the needs of the Federal Government of Somalia, as well as appropriate modalities for their rapid deployment. Additional substantive functions, including support to elections, would be added at the appropriate time further to the request of the relevant authorities.

F. Security arrangements

33. The mission concept, based on the request of the Somali President and Federal Government, requires that United Nations mission staff across the whole of Somalia meet frequently with a wide range of Somali counterparts, work closely alongside Government personnel and, in some cases as required, be co-located in Government offices. This must be done while meeting high standards for the security and safety of United Nations staff.

34. Delivering on these requirements in the volatile environment of Somalia will require a robust, flexible and differentiated menu of security options to allow security arrangements to be tailored to individual tasks and locations. Representatives of the United Nations Department of Safety and Security participated as part of the technical assessment mission to develop recommendations, considering the requirements of area and mobile security, as well as evacuation procedures, that will be necessary to enable mandate implementation.

35. The technical assessment mission noted that AMISOM and the Somali National Security Forces are the primary enablers for the United Nations mission presence in Somalia. The African Union and Somali National Security Forces' joint efforts to defeat Al-Shabaab and establish a presence in areas recovered from the insurgency create the critical "outer ring" of security presence within which the mission will operate. Within this overall umbrella, a "middle ring" of security of mission operations will be provided by AMISOM in recovered areas, including to secure airports and key hubs, as at the Mogadishu International Airport and elsewhere. These efforts by AMISOM will continue to be critical to improve the overall security environment in Somalia and enable the mission presence.

36. Additional security requirements for the new mission are as follows: (a) an "inner ring" of static security at mission locations, which should comply with minimum operational security standards; (b) arrangements for protected mobility through the provision of security escorts; and (c) arrangements for quick reaction to secure United Nations personnel in the event of serious security incidents.

37. Arrangements to meet these requirements will be built on the models already developed and tested in the context of United Nations operations in Somalia. In particular, the technical assessment mission took note of the successful and flexible model employed by the Department of Safety and Security to facilitate mobility in Mogadishu and elsewhere, using United Nations-contracted and trained local security guards, operating under a memorandum of understanding with Government authorities, pending the establishment of a regular diplomatic police, which will continue.

38. It is noted that AMISOM has confirmed its commitment to deploy the mandated "guard force" in Mogadishu in the coming months through 318 troops already identified within existing AMISOM capacity. However, African Union

forces available within the existing troop ceiling will not be sufficient to provide mobile security for all locations of the new mission. Subject to a further review of requirements beyond Mogadishu, the Council will need to authorize African Union personnel above the current ceiling for a period of 24 months, specifically to support an expanded "guard force" as part of the security package. In areas of very high risk, the "guard force", with support from UNSOA, will provide static perimeter security and offer security escorts and quick reaction capacity.

39. In some locations, security conditions do not warrant the use of AMISOM military assets for civilian escort functions, whereas such assets will remain essential for the pursuit of AMISOM military objectives. It is therefore envisaged that where conditions permit, and in addition to security provided by AMISOM, the new mission should make use of a range of security options, including the Somali National Security Forces and the special protection units (as used in Puntland and Somaliland). Locally sourced guards, as already tested in Mogadishu, should form part of the package. Service providers would be selected in close consultation with the Government to ensure that the use and development of such teams is consistent with overall development of the Somali security sector. Depending on conditions and risks in each mission setting, Somali teams could provide security at some mission locations and provide security escorts to enable staff mobility within the overall perimeter provided by AMISOM. The Department of Safety and Security and AMISOM would immediately undertake work to develop the concept of operations for this arrangement.

40. Should the above arrangements prove inadequate to ensure staff security and mobility as the mission expands its deployment, and depending on the evolving security situation on the ground, the United Nations would revert to the Council with advice on supplementary measures that may be required, including potentially deploying United Nations guard units (as in the case of Iraq) or requesting authorization for the use of international private security companies.

41. In all cases, the mission will need to put in place arrangements to ensure compliance of all concerned security elements with the provisions of the United Nations Human Rights Due Diligence Policy and other relevant guidance. Arrangements should be kept under close review to enable them to be scaled up and down as required as the security environment evolves. They would be overseen through an integrated security management system under a designated official, in order to ensure full coherence and coordination of security arrangements for the United Nations family in Somalia.

III. Observations

42. I wish to express my deep appreciation to the Federal Government of Somalia, local and regional authorities, including in Somaliland and Puntland, all other interlocutors of the technical assessment mission, and the members of the Security Council and other international partners for their detailed advice and guidance to the United Nations in developing plans for the mission. It is clear to me that there is a great desire for the support of the future United Nations mission in Somalia and many areas in which it can contribute at this critical time for Somalia. The United Nations will do its utmost to live up to the task. At the same time, I wish to

emphasize the very challenging environment in which the mission will operate, and the need to manage expectations.

43. In particular, it should be recognized that as envisaged in my report of 31 January 2013 (S/2013/69), the core function of the new United Nations mission will be to act as an enabler. It will assist the Federal Government of Somalia to create the political and strategic environment in which peacebuilding can proceed, and will facilitate engagement by other partners. Critically, noting the request of the Federal Government of Somalia for a single "door to knock on", the mission will be a platform enabling coherent, integrated support to Somalia by the United Nations system, as well as a stronger strategic partnership and collaboration with AMISOM across all areas of peacebuilding.

44. The mission will not be responsible for delivering support to national security — this remains the role of AMISOM, supported logistically by UNSOA — or operational programmes, which remain the lead responsibility of the United Nations country team. As such, the mission's own success will depend on the empowerment of these key partners.

45. The mission will deploy a core team with effect from 3 June 2013, as envisaged in Security Council resolution 2093 (2013). It will build up its capacity gradually, noting the need for adequate logistical and security arrangements to be in place, and taking account of requests and priorities of the Somali authorities.

46. In terms of security, there is a critical need for enhanced support to both AMISOM and the Somali National Security Forces in order to sustain the security gains. This is especially important following the announced withdrawal of the Ethiopian National Defence Forces from Hudur and its anticipated withdrawal from Baidoa as announced. AMISOM needs additional enablers and force multipliers to make full use of its existing forces. The reconfiguration of the force, including the option of authorizing additional formed police units above the existing ceiling, at the request of the African Union, should also be considered to help secure population centres already recovered from Al-Shabaab, and to enable the AMISOM military force to undertake operations to recover the balance of territories under the control of insurgents. These and other innovative approaches to address the challenges faced by AMISOM should be considered and detailed options developed. In this regard, I reiterate my recommendation that the Council should revisit the option of United Nations or joint African Union-United Nations peacekeeping as conventional combat operations against Al-Shabaab end, in consultation with the Somali authorities at that time. To prepare for such deliberation, the Department of Peacekeeping Operations should lead, in cooperation with the African Union, an exercise to identify benchmarks for a future United Nations peacekeeping operation, as indicated in resolution 2093 (2013). Meanwhile, the African Union has identified the need for additional resources to enable the AMISOM civilian component to contribute to stabilization activities in south and central Somalia, where Al-Shabaab has been defeated.

47. No less critical will be an enhanced and coherent international approach to supporting the Somali security sector and rapid investment to scale up Somali forces. AMISOM does not have the authority or resources to sustain Somali soldiers fighting alongside it in joint operations. Training by AMISOM and other international partners has helped improve operational capability, but it comes piecemeal and without an overall vision or doctrine for the Somali forces. This is an area in which, while the United Nations will provide policy advice and support to

the Government to coordinate international efforts, bilateral partners have a critical role to play. I urge Member States contributing in this sector to pursue an integrated approach, noting the risk that fragmented international assistance will fuel internal conflict and undermine the strategic goal of a Somalia that is self-sufficient in security. In this context, the United Nations stands ready to support coordination efforts by the Federal Government of Somalia in the security sector in line with paragraph 22 of resolution 2093 (2013).

48. Also, in respect of institution-building and wider economic recovery, Somalia needs a "one-door" approach from its international partners. I urge international partners, in addition to their support for the United Nations mission, to review and align their bilateral assistance to ensure that they contribute to a coherent overall international effort in support of nationally owned priorities. It would be unfortunate if the current surge of good will for Somalia were undermined by fragmented and duplicative efforts at international assistance, with different models and advice on the same issues driving internal tensions in Somalia and multiple funding modalities undermining the shared goal of greater financial transparency and accountability. To avoid overwhelming the nascent capacity, and leadership, the international community will need to make a clear commitment to working coherently and patiently with the Federal Government of Somalia, allowing it to develop its plans and build its capacities. While the Somali authorities have made clear their intention to lead international coordination, I urge international partners to commit themselves to support this goal by coordinating with one another and seeking unified models of funding, reporting and accountability. I am determined to reinforce coherence and close cooperation through the United Nations system to ensure focused, effective support.

49. Finally, I wish to highlight that, in order to complement the work of the new mission and meet the expectations of the Federal Government, there is a need for a significant scaling-up of United Nations agency programmes in Somalia, especially in the recovered areas and to support capacity-building of Somali institutions. This relies on a major extension of voluntary donor funding to such programmes, preferably through unified and un-earmarked channels. I urge donors to provide generous support to such efforts, which I hope in will be unified under a single funding mechanism, linked to the New Deal. Coordination across all aspects of international assistance to Somalia will be critical to deliver on our shared goals for Somalia. At the same time, it is important not to lose sight of the ongoing humanitarian situation. While there have been improvements, 1 million Somalis continue to require life-saving assistance, and an additional 1.7 million who emerged from crisis in the last year could fall back without continued support to rebuild their livelihoods and enhance resilience. There are an estimated 1.1 million Somalis registered as refugees in neighbouring countries. In parallel with peacebuilding and statebuilding, the humanitarian effort must be supported as long as needs persist.

50. I have previously assured the Council and the Federal Government of Somalia of my personal commitment to seizing the opportunity currently presented to deliver a new era of peace and stability in Somalia. The people of Somalia have suffered far too long from lawlessness and man-made disaster. We are now in a moment of great risk and also great opportunity. We must seize the opportunity. It is with this conviction that I am formally presenting the above concept for the United Nations Assistance Mission in Somalia (UNAMSOM). The United Nations stands ready to do its utmost to support Somalis as they forge this new chapter in their history.